

Senate on June 7, 2005 at 2:30 p.m. to hold a mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT SECURITY AND AGING

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Retirement Security and Aging, be authorized to hold a hearing during the session of the Senate on Tuesday, June 7, 2005 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security and the subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a joint hearing on "The Southern Border in Crisis: Resources and Strategies to Improve National Security" on Tuesday, June 7, 2005 at 2:30 p.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Carney, Megan Martin, and Charles Kane, interns on my Judiciary Committee staff, be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Alabama, Mr. SESSIONS, and the Senator from Idaho, Mr. CRAPO.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Rhode Island, Mr. REED.

ORDERS FOR WEDNESDAY, JUNE 8, 2005

Mr. FRIST. I ask unanimous consent that when the Senate resumes the nomination at 10 a.m. tomorrow morning, the time from 10 to 11 be under the control of the majority leader or his designee, the time from 11 to noon be under the control of the Democratic leader or his designee, provided further that the time rotate in that order until

the hour of 4 p.m. I further ask that the time from 4 to 4:10 be under the control of Senator LEAHY or his designee, from 4:10 to 4:20 reserved for Senator SPECTER or his designee, 4:20 to 4:40 for the Democratic leader, and 4:40 to 5 be reserved for the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 8. I further ask that, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit. Earlier today, cloture was invoked by a vote of 65 to 32, and under an earlier agreement we will have an up-or-down vote at 5 p.m. tomorrow. Therefore, tomorrow we will continue with debate on the nomination as provided under the previous agreement. Following that vote, we will immediately proceed to the cloture vote on the nomination of William Pryor to be a U.S. circuit judge for the Eleventh Circuit. We will also consider additional nominations during this week, so Senators can expect votes each day until our executive business is finished.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from South Carolina for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

NOMINATION OF JANICE ROGERS BROWN

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the majority leader for allowing me to have this time. I acknowledge all his hard work to bring us to having votes. And that is true of the minority leader. The Senate is back in business and we are voting in the fashion of 214 years of our history and some good people are getting voted on. That is all we can ask or hope for.

I rise to speak on behalf of Justice Janice Rogers Brown. I intend to vote for her tomorrow when the vote is called. Being from the South, being from South Carolina, about to turn 50, I can say it is a long way from Greenville, AL, as a daughter of a sharecropper to the Supreme Court of California; an African-American female who grew up in the segregated South, daughter of a sharecropper in Greenville, AL, growing up, listening to stories from a grandmother about famous NAACP lawyer Fred Gray, who defended Martin Luther King and Rosa Parks.

It is a long way—and most of it is uphill. But she made it. And we ought to all be proud of the fact that someone such as Janice Rogers Brown has accomplished so much in her life. Not only did she go from Greenville, AL, to the Supreme Court of California, she served with distinction.

California has a unique system in the sense that the voters can decide whether they want to retain a judge. The last time she was up for retention vote in California she received 76 percent of the vote. We can talk about this as long as we would like, and apparently 30 hours is as long as we are going to talk about it. I find it hard to believe that someone could be out of the mainstream to the point they are a rightwing judicial fanatic and still get 76 percent of the vote in California. The last time I checked, it is not exactly the haven of rightwing people.

The reason she received 76 percent of the vote in California is because nobody made a big deal about her being a judge. The fact is, she decided a lot of cases with a variety of issues and a consistent manner that made it so that people who came before her did not feel the need to go out and try to get her beat. Only after the fact, only when she gets in this political whirlwind we are in now, where every Federal court nominee is getting attacked in a variety of different ways, mainly on the lines that you are out of the mainstream because you happen to be conservative, only then has she gotten to be a problem.

This is politics, pure and simple, because if it was about competency, if it was about professional qualifications, she would never have been on the Supreme Court in California to start with. She would not have stayed 7 or 8 years, and she would not have gotten 76 percent of the vote. To say otherwise defies common sense.

We are going to take a vote tomorrow. She is going to be confirmed to the Federal bench on the court of appeals. She is a good candidate for that position. Not only is the California Supreme Court a good training ground for such a position, her story as a person is a great reservoir for her to call upon.

The idea that she cannot relate to people who suffer and who have been dealt a difficult time is absurd given her life circumstance. She will be an ideal court of appeals judge because